



Newsletter

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Deficient Filings – Twice the Work

The Clerk's office quality checks all electronically filed pleadings. Documents not in compliance with local rules and requirements are deemed deficient and must be corrected. Noncompliance with a notice of deficiency may be cause for the Court to issue an order to show cause or to strike a pleading. The following are areas of recurring deficiencies that result in additional, unnecessary work for our staff and your staff:

1. **Declaration Regarding Electronic Filing** – LBR 1008-1. Declarations are often not submitted or are submitted after the seven day deadline.
2. **Certificate of Service** - LBR 2002-1 and Standing Order 2006-4. Certificates are often in improper format or are not filed at all. Know that many orders now include a "service paragraph" that requires counsel to serve the order on required parties pursuant to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and to file a certificate of service within three days.
3. **Certificate of Service on post-petition plans, amended plans, and amended schedules** – LBR's 4002-1(A)(5), 3015-2, 1007-2, and 1009-1.
4. **Debtor's Motion for Entry of Discharge** – Administrative Procedures Manual, Section 15 (Closing Post-BAPCPA Chapter 13 Cases). The court cannot enter an order of discharge without first approving this motion. Noncompliance with this requirement may result in the case being closed without a discharge.
5. **Personal identifiers in public pleadings** – LBR 9037-1 and Administrative Procedures Manual, Section 11 (Privacy).
6. **Incorrect/missing hearing dates, times, or sections on notice of hearing or continued hearings** – See www.laeb.uscourts.gov – *Judges' Information – Motion Days, for available motion days and hearing times.*

The Clerk's office continues to explore ways to reduce these filing errors. Please reach out to us for any assistance we can provide you with the filing of pleadings. Our contact information is available on the court's website under Court Information.

ORDERS

“UNLESS OTHERWISE ORDERED, ORDERS AND JUDGMENTS SHOULD BE PREPARED BY COUNSEL FOR THE PREVAILING PARTY AND SUBMITTED AFTER REVIEW BY OPPOSING COUNSEL NO LATER THAN TWO (2) BUSINESS DAYS AFTER A RULING IS INDICATED IN OPEN COURT OR BY MINUTE ENTRY.”

(ADMINISTRATIVE PROCEDURES MANUAL, SECTION 10(E))

When e-mailing proposed order(s) to the court, please be sure to include the appropriate **subject line** pursuant to the [Administrative Procedures Manual](#). This ensures your order is processed timely.

- **Motion or Matter Noticed for Hearing** – numeric hearing date, space, six or seven digit adversary or case number, space, and chapter of the case. **Ex. 3/19/14 12-10001 ch 7**
- **Exparte Motion** – word Exparte, space, six or seven digit adversary or case number, space, and chapter of the case. **Ex. Exparte 12-10023 ch 13**
- **Expedited Relief** – word Expedited, space, six or seven digit adversary or case number, space, and chapter of the case. **Ex. Expedited 13-10022 ch 11**

The Court receives hundreds of e-mailed orders each day. In order to process them timely and efficiently, we separate them into folders according to subject line.

If your e-mail contains the wrong subject matter or no subject matter, the requested relief may be delayed.

New Bankruptcy Forms:

The Judicial Conference of the United States has approved a number of new forms and revisions to the official bankruptcy forms. The new forms and revisions will take effect on December 1, 2014.

The following forms will be revised:

- Form 3A Application for Individuals to Pay the Filing Fee in Installments
- Form 3B Application to Have the Chapter 7 Filing Fee Waived
- B 06 Summary
- B 17A Notice of Appeal and Statement of Election
- B 17 B Optional Appellee Statement of Election to Proceed in District Court
- B 17C Certificate of Compliance with Rule 8015(a)(7)(B) and 8016(d)(2)
- B 22A-1 Chapter 7 Statement of Your Current Monthly Income
- B 22A-2 Chapter 7 Means Test Calculation
- B 22B Chapter 11 Statement of Your Current Monthly Income
- B 22C-1 Chapter 13 Statement of Your Currently Monthly Income and Calculation of Commitment Period
- B 22C-2 Chapter 13 Calculation of Your Disposable Income

To obtain copies of the new forms, please visit the United States Courts' website at

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

Changes to the Bankruptcy Court Miscellaneous Fee Schedule

The Judicial Conference of United States approved changes to the court miscellaneous fee schedule to be effective on December 1, 2014:

- a. Added Item 21 to the Bankruptcy Miscellaneous Fee Schedule to require a new fee to file a motion to redact a record.

(21) For filing a motion to redact a record, \$25 per affected case. The court may waive this fee under appropriate circumstances.

- b. Added an exception to Item 11 of the Bankruptcy Court Miscellaneous Fee Schedule, as follows (new language underlined):

The reopening fee must not be charged in the following situations:

[...]

- to redact a record already filed in a case, pursuant to Fed. R. Bankr. P. 9037, if redaction is the only reason for reopening.

- c. Amend paragraph four of Item 14 of the Bankruptcy Miscellaneous Fee Schedule, as follows (new language underlined; deleted language struck through):

Upon notice from the court of appeals that a direct appeal or direct cross-appeal has been authorized, an additional fee of ~~\$157~~ \$207 must be collected.

Housekeeping: When you are finished in the courtroom, please be sure to throw away any trash, including water cups.

Location: United States Bankruptcy Court
Hale Boggs Federal Building
500 Poydras Street, Suite B-601
New Orleans, LA 70130

Hours: 8:30am to 4:30pm
Monday-Friday, except federal holidays

Questions: 504-589-7878

E-mail your suggestions for a future topic to be included in the newsletter to:

Newsletter@laeb.uscourts.gov

The Mission of the United States Bankruptcy Court for the Eastern District of Louisiana is to adjudicate and administer cases under the Bankruptcy Code and Rules for the benefit of the public and those who come before the court. The court provides an accessible and impartial forum to all who seek bankruptcy protection or the resolution of disputes in bankruptcy cases within our jurisdiction.